

# **WISHA REGIONAL DIRECTIVE DRAFT**

**WISHA Services**

**Department of Labor and Industries**

## **12.40 PARTIAL BODY ENTRY SITUATIONS AND THE CONFINED SPACE STANDARD DATE: September 2, 2002**

### **I. Background**

The department addresses confined space entry under WAC 296-62-141 *et seq* (known as Part M of Chapter 296-62 WAC). This section is in turn based on the permit-required confined space standard enforced by the federal Occupational Safety and Health Administration (OSHA). Several questions have been raised regarding what constitutes "entry" into a confined space and when such entry represents a violation of the confined spaces standard.

Entry has been defined by federal OSHA as occurring when any part of the body of an entrant breaks the plane of an opening of a permit-required confined space, provided that the opening is large enough to allow the employee to enable full body entry. Regardless of whether the individual intends to enter the space fully, the standard then requires a permit to be posted (or other effective means) outside at the entry portal for this entry. However, if the partial entry does not represent a hazard, federal practice treats the permit-required confined space violation as *de minimis*.

In the event that full body entry is not possible, no entry of the permit-required confined space has occurred.

### **II. Scope**

This WISHA Regional Directive, which will remain in effect indefinitely, provides guidance to WISHA enforcement and consultation staff in applying the confined space standard to partial body entries. This WRD replaces, but does not substantively change, previous versions of WRD 12.40.

### **III. Application Guidance**

WISHA consultation and compliance staff must consider the possible outcome of partial body entry when applying WAC 296-62-141.

*A. If the opening is large enough for the worker in question to enter the permit-required confined space fully, is a permit required during partial body entry?*

Yes. If the employee *could* fully enter the permit-required space, a permit is required during partial body entry. However, if partial body entry does not expose the entrant to the possibility of injury or illness then the violation is *de minimis* and should not be cited, although the employer should be made aware of the permit requirement.

WISHA staff must note any decision to treat the violation as *de minimis* in the firm file, along with a detailed description of the space, the conditions, photos, etc.

*B. If the opening is not large enough for the worker in question to enter the permit-required confined space fully, is a permit required as a result of the worker breaking the plane of the opening?*

No. If the employee *cannot* fully enter the permit-required confined space, no permit is required for partial body entry under WAC 296-62-141. However, other standards (such as the lockout-tagout standard or the respiratory protection standard) must be considered to determine whether they apply in the event that an injury or illness could occur from the job task.

Approved: \_\_\_\_\_

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For further information about this or other WISHA Regional Directives, you may contact WISHA Policy & Technical Services at P.O. Box 44648, Olympia, WA 98504-4648 or by telephone at (360)902-5503. You also may review policy information on the WISHA Website (<http://www.wa.gov/lni/wisha>).